

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

TRACY ANTHONY MILLER,	)	
	)	
Petitioner,	)	
	)	
v.	)	CV 108-168
	)	
VICTOR WALKER, Warden,	)	
	)	
Respondent.	)	

---

**ORDER**

---

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Petitioner's petition filed pursuant to 28 U.S.C. § 2241 is **DISMISSED**, his motion to proceed IFP is **DENIED** as **MOOT**, and this civil action is **CLOSED**.<sup>1</sup>

SO ORDERED this 16<sup>th</sup> day of July, 2009, at Augusta, Georgia.

  
\_\_\_\_\_  
J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup>Petitioner filed a motion to set aside the Report and Recommendation pursuant to Fed. R. Civ. P. 60(b). (Doc. no. 9). As the Report and Recommendation is not a final judgment, Petitioner's motion is **DENIED**. Petitioner's remaining pending motion (a motion to compel) is **MOOT**. (Doc. no. 8)